

**FARMINGTON CITY  
PLANNING COMMISSION  
MAY 9<sup>TH</sup>, 2019**

**STUDY SESSION**

*Present: Planning Commissioners Connie Deianni, Roger Child, Russ Workman, Rulon Homer, Shawn Beus, Amy Shumway, Greg Wall, Mike Plaizier; Community Development Director David Petersen, Associate Planner Meagan Booth, Recording Secretary Brittney Whitecar*

**Discussion Item**

**David Livingston**, the owner of the home at 56 S. Main Street proposed a new driveway accessing the ADU behind the main home. The driveway would curve around the historic Sycamore tree on the park strip.

The commissioners discussed and found little issue with the driveway but only in the case that the Davis County School District denies access through the prescriptive easement that has been used to access this property from the district parking lot for over 40 years. **Connie Deianni** expressed favor for the idea as it allows for a driveway while preserving the historic tree.

**Subdivision**

3. **Craig North - Applicant is requesting preliminary plat approval for the North Cottonwood Creek Subdivision consisting of 15 lots on 5.01 acres of property located at approximately 35 North 400 West in the OTR (Original Townsite Residential) zone. (S-27-18)**

**Meagan Booth** stated that the landowner has expressed to the City that they do not want sidewalks in the development. The city engineer and public works department have been adamant about sidewalks and the Planning Commission was in favor of them when they last discussed this item. The applicant will present their reasoning in the meeting for discussion.

4. **Scott and Denise Prince (Public Hearing) – Applicant is requesting approval for a metes and bounds subdivision (lot split) creating 2 parcels on 2.23 acres of property located at 218 West 1000 North in an LR (Large Residential) zone. (S-2-19).**

**Dave Petersen** reviewed the proposed new property lines. The applicant intends to keep the larger parcel and sell the smaller parcel to a private party for residential use.

**Zoning Map Amendment**

5. **Hayley Pratt/Hamlet Development (Public Hearing)- Applicant is requesting a recommendation for Zoning Map Amendment approval for 32 acres of property located at 600 South 1525 West from A(Agriculture) and AA (Agricultural Very Low Density) to AE (Agricultural Estates) zone, and a recommendation for schematic plan approval from a 64 lot subdivision at the same location. (Z-1-19) & (S-3-19)**

The TDR's requested on this subdivision were a concern of the Planning Commission. They were discussed briefly in preparation for the meeting.

#### Conditional Use/Special Exception

6. **Scott and Denise Prince (Public Hearing) - Applicant is requesting conditional use approval for an Accessory Dwelling Unit (ADU) at 218 West 1000 North in an LR (Large Residential) zone and a special exception to reduce the side setback thereto. (C-2-19)**

Combined with item #4 from the same applicant.

#### Zone Text Amendment

7. **Farmington City (Public Hearing) - Applicant is requesting a recommendation to amend the location standards for accessory buildings as set forth in Chapters 10, 11, and 13 of the Zoning Ordinance. (ZT-1-19).**

Dave Petersen said that the accessory building standards vary by zone in Farmington City. Some uniformity may help avoid confusion and should be considered by staff and the commission.

#### Other

##### **8. Miscellaneous, correspondence, etc.**

###### **a. 23 Items: Moderate Income Housing Discussion**

Bill SB34 passed, requiring cities to create moderate income housing plans. Transportation funds will be withheld from cities that fail to finalize plans by December, 2019.

Moderate income housing is defined as housing obtainable to families making 80% of the median household income within the county.

###### **b. Other**

#### REGULAR SESSION

*Present: Planning Commissioners Connie Deianni, Roger Child, Russ Workman, Rulon Homer, Shawn Beus, Amy Shumway, Greg Wall, Mike Plaizier; Community Development Director David Petersen, Associate Planner Meagan Booth, Recording Secretary Brittney Whitecar*

Connie Deianni opened the public meeting at 7:05 p.m.

#### Approval of the Meeting Minutes from April 18<sup>th</sup>, 2019

Rulon Homer motioned to approve the minutes from the April 18<sup>th</sup>, 2019 Farmington city Planning Commission meeting. Shawn Beus seconded the motion, which was unanimously approved.

### **City Council Report**

**David Petersen** stated that Representative Tim Hawkes presented a legislative update to the City Council. Matters such as sales tax, marijuana, and Medicare were discussed.

Staff from the Farmington City Parks and Recreation department presented regarding their perspective recreation programs and the success and growth of each program over the last decade.

The 2019 Festival Days theme was introduced, which will be *Rise Up!* The Logo was designed by Farmington High School senior Brandon Young.

Brookside Hollow Final PUD Subdivision was approved by the City Council. The bridge crossing over the creek on the property will be approved separately from the subdivision as it requires extensive permits.

Station Park is entering a 90-day trial period with Lime Green Scooters beginning on June 1<sup>st</sup>.

### **Subdivision**

3. **Craig North - Applicant is requesting preliminary plat approval for the North Cottonwood Creek Subdivision consisting of 15 lots on 5.01 acres of property located at approximately 35 North 400 West in the OTR (Original Townsite Residential) zone. (S-27-18)**

**Meagan Booth** presented the item. The biggest concern at hand is the sidewalks in the subdivision, as the landowner is requesting not to have them.

**Craig North**, South Ogden, UT said that he and the Clark's are collaborating on this project. They are fighting sidewalks because the best way to get the lot sizes and street location they want is to omit the sidewalks that take up several feet of what would otherwise be buildable space. They also like the aesthetics of tree-lined neighborhoods that do not have sidewalks.

**Matt Clark** 1577 S. 250 E. Kaysville, UT came to the stand. He showed a printout of the Clark family's initial plan for the subdivision. They were hoping for a quaint community with a unique feel. Through printouts he showed the Planning Commission examples of what they are trying to accomplish. They hope the City will be lenient in order to help them accomplish this.

**Greg Wall** asked if a sign reading *Not a through street* is standard in Farmington cul-de-sacs and stub streets. **Dave Petersen** says the city generally adds those on dead end streets.

**Shawn Beus** said that the Planning Commission is not the ultimate decision maker and would have to go against the staff if they were to recommend approving with no sidewalks. He thinks that making an exception like this should really be reserved for times when it would have a big public benefit.

**Russ Workman** said that preventing regrets later if the road becomes a through street and sidewalks then aren't possible needs consideration.

**Connie Deianni** said that she supports an old time feel with large trees and a quiet street that deters traffic is aesthetically pleasing. She supports omitting the sidewalks except for the future issue it creates should the road punch through.

**Roger Child** said that quaint can be created by a small thin street that doesn't encourage Thoroughfare, but that no sidewalks presents a dangerous situation when cars are parked on the street and pedestrians are trying to use the streets simultaneously. He said that homes lined up near the sidewalk can create a feeling of community and comradery just as well as deleting sidewalks and create a safer environment for pedestrians.

**Amy Shumway** said that lining the street with trees would be an appropriate condition to add considering the feeling they are going for.

***Motion:***

**Greg Wall** moved that the Planning Commission recommend for approval the North Cottonwood Creek PUD Subdivision, subject to all applicable Farmington City ordinances and development standards as well as conditions 1-6, adding a condition #7 that the applicant shall provide a sidewalk on both sides of the street, and a condition #8 that the street be lined with trees on the park strip on both sides of the road, and additional condition #9 that a sign be placed at the west end of the street stating that the road is not a through street. Also with findings 1-2. **Russ Workman** seconded the motion, which was unanimously approved.

**Conditions:**

1. The applicant must address all remaining DRC comments
2. The developer shall obtain a flood control permit from the Davis County Public Works department.
3. The applicant will follow all traffic recommendations from the City's transportation engineer
4. The applicant will meet all design guidelines for design standards for the OTR zone.
5. The preliminary plat shall comply with all the conditions and requirements of schematic plan approval.
6. The Clark home must be preserved in lieu of the ten percent (10%) open space requirements for PUD's.
7. The applicant shall provide sidewalk on both sides of 50 North Street unless waived by the City Council.
8. The applicant shall plant trees along both sides of the road along the streets
9. A sign stating *Not a through street*, or similar verbiage shall be placed at the subdivision entrance

**Findings for Approval:**

1. The submitted preliminary plat is consistent with the schematic plan and preliminary PUD master plan
2. If owners of land east of the project choose to develop their properties. 50 North Street will be extended accordingly. In the event this occurs, it is likely that this street will connect via another right-of-way, such as State Street, to comply with city street requirements and will no longer dead-end, but become a well-used route for pedestrians as an alternate to State Street. Sidewalks on 50 North Street are necessary and desirable.

4. **Scott and Denise Prince (Public Hearing) – Applicant is requesting approval for a metes and bounds subdivision (lot split) creating 2 parcels on 2.23 acres of property located at 218 West 1000 North in an LR (Large Residential) zone. (S-2-19).**

Amy Shumway moved to discuss item #6 along with #4 since they are the same applicant/location.

**Conditional Use/Special Exception**

6. **Scott and Denise Prince (Public Hearing) - Applicant is requesting conditional use approval for an Accessory Dwelling Unit (ADU) at 218 West 1000 North in an LR (Large Residential) zone and a special exception to reduce the side setback thereto. (C-2-19)**

Dave Petersen introduced the items. The owners would like to separate and sell a section of the West street frontage for residential use. They would also like to add an accessory dwelling unit (ADU) on the East side of the property, next to the main home. They are hoping to get an exception to decrease the 10' setback required on the East side of the property, down to 5'. The matters at hand include exceptions for accessory dwelling location, setback, and lot split.

Scott Prince 218 W. 1000 N. Farmington, UT. They live on a dead end street and have children that are interested in residing in their home. As a family they decided a good solution would be to create a small, secondary home on the property to live in and let their children occupy the main home. The sale of the West lot will provide the finances needed to build the secondary dwelling.

**Public Hearing:**

Connie Deianni opened the public hearing at 8:20 p.m. and closed at the same time with no comments.

**Motion:**

(Item #4) Amy Shumway moved that the Planning Commission recommend the approval for the proposed metes and bounds subdivision, subject to all applicable Farmington City ordinances and development standards, and that the property owner must meet the requirements set forth in code 12-04-060 of the Subdivision Ordinance, as well as findings 1-2. Russ Workman seconded the motion, which was approved.

**Findings for Approval:**

1. The proposed subdivision is consistent with the General Plan.
2. The minimum area and dimensions of both parcels conform to the requirements of the zoning ordinance for the district in which the subdivision is located.

**Motion:**

(Item #6) **Rulon Homer** moved that the Planning Commission recommend approval for the accessory dwelling unit (ADU) conditional use permit, with a special exception, reducing the side setback from 10' to 5', subject to all Farmington City development standards and findings 1-3. **Russ Workman** seconded the motion, which was approved.

Findings for Approval:

1. The ADU meets the following requirements for all accessory buildings in the LR zone set forth in section 11-11-060 A and 11-11-070 B:
  - a. Separated from the main building by a distance in compliance with applicable building codes
  - b. Does not encroach on any recorded easement
  - c. Is located at least 15 feet from any dwelling on an adjacent lot
  - d. Is subordinate in height and area to the main building
  - e. The height of the ADU does not exceed 15 feet.
2. The applicant meets, or will meet all requirements for ASUs as set forth in section 11-11-020;
  - a. Subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one family.
  - b. A maximum of 1 accessory dwelling shall be allowed per lot
  - c. No rent or other compensation may be charged for occupants of the accessory dwelling.
  - d. Any conditional use permit issued hereunder must be recorded with the Davis County Recorder's office.
3. The special exception is consistent with the standards per such, via section 11-03-045 E:
  - a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
  - b. Will not create unreasonable traffic hazards;
  - c. Is located on lot or parcel of sufficient size to accommodate the special exception
  - d. Landscaping exists on the site to mitigate the closer setback in the side yard.

Zoning Map Amendment

5. **Hayley Pratt/Hamlet Development (Public Hearing)- Applicant is requesting a recommendation for Zoning Map Amendment approval for 32 acres of property located at 600 South 1525 West from A(Agriculture) and AA (Agricultural Very Low Density) to AE (Agricultural Estates) zone, and a recommendation for schematic plan approval from a 64 lot subdivision at the same location. (Z-1-19) & (S-3-19)**

**Meagan Booth** said there is a lot of background. Hayley Pratt excused herself from the meeting and has invited other individuals from Hamlet Homes to represent the application.

The largest issue is the unknown value of the TDR's. Meagan said that the 44 half-acre lots being proposed at this location are only possible if the developer provides 30% open space. The purpose of conservation subdivisions is to limit buildable area and preserve open space, so staff is requiring that the developer purchase 20 transfer of development rights (TDR's) from the City.

**David Petersen** said that a large developer had come to the City a few years ago for a general plan

amendment regarding this property, to allow for more density instead of the very low density that had been on the general plan since the 1990's. The City Council denied due to their lack of knowledge of the upcoming West Davis Corridor project and the proximity to land that UDOT could be acquiring for it. After the West Davis Corridor was outlined, the general plan was amended to allow for more density on the land. At this time, Hamlet Development would like to request a re-zone consistent with the change recently made to the City's General Plan, allowing for more density.

**Russ Workman** asked how the Planning Commission go about this without knowing the TDR cash value. **David Petersen** said that is a good question. It will go to City Council and they will discuss TDR's. He explained that TDR's are a trade made between the developer and the city that allow the developer more than the standard subdivision density, providing they pay cash to the city to acquire green space elsewhere in lieu.

**Amy Shumway** stated that she supports the trails in this subdivision, particularly the one that acts as a buffer between the subdivision and UDOT's property. There is also a connection to the Buffalo Ranch Trail which she likes but she would like the developer to add another connection to the trail in the cul-de-sac.

**Nick Niko**, civil engineer representing Hamlet Homes came to the stand. He wanted to reiterate that this project has been found to be consistent with the general plan. He expressed that they are in the very beginning stages of this development. Everything from wetlands, to trails, to TDR's still need to be researched and may make huge changes to this subdivision. He said he would like to request a change in condition #6 to allow for 2 lots per acre, equaling the 64 lots they are requesting, consistent with the zone per Hamlet Home's research.

**Amy Shumway** brought up the idea of adding a park in the subdivision.

**Connie Deianni** opened the Public hearing at 8:55 p.m.

**Kurt Petersen** 412 S. 1525 W. Farmington, UT – developer of affordable housing came to the stand. He is a neighbor to the proposed property. He said that he trusts Hamlet Homes to create a good subdivision but wanted to express neighborly concerns. As the owner of a large property next door, he asked for a stub road under the power lines in order to provide ease of access when he decides to develop his property at a later time. He addressed the fact that the storm drains flow right into his property and doesn't want drainage to fall on him during flood years. He requested that the developer and the city engineer to consider that issue and find a solution.

**Connie Deianni** asked the applicant about the drainage to and off of the Petersen property. **Nick Niko** said that they recognize that the ditch exists and intends to engineer it appropriately.

**Michael Brodsky** of Hamlet Homes came to the stands and addressed the TDR's. He stated that he has a land cost estimate regarding the TDR value and will present the TDR values to the City Manager within the next week or two. He intends to have an HOA with an HOA maintained park but hasn't decided that for sure. Another builder may collaborate with Hamlet on this project and share the issue of the

TDR.

**Connie Deianni** closed public hearing at 9:10 p.m.

**Roger Child** asked, if we recommend the rezone tonight, can we leave the TDR's for later? He expressed concern about the perfect grid pattern of the subdivision with identical lot sizes. He feels that a variety of lot sizes and shapes would add something. **Connie Deianni** said that neighbors who may have concern were welcome to attend the public hearing but nobody came, which would lead the City to believe that adjacent property owners are ok with the development.

**Dave Petersen** proposed that the Planning Commission and City Council collaborate together on this during the June 4<sup>th</sup> meeting.

**Amy Shumway** said she thinks that due to proximity to the West Davis Corridor, smaller lot sizes holding less value are probably a good idea at this location. An alert of the highway noise should probably be included on the title reports.

**Dave Petersen** said that if the planning commission recommends the zone change, due to notice requirements, the city council cannot consider this portion/application of the item until at least their June 4<sup>th</sup> meeting. The council will want to review the schematic plan at the same time; however, the schematic plan portion does not have the same notice requirements. Therefore if the planning commission recommends the zone change now it can be schedule for June 4<sup>th</sup> and if they table the schematic plan it will provide time for Hamlet Homes to meet with the city manager about TDR costs, which information will allow the planning commission to consider the schematic plan at their May 23<sup>rd</sup> meeting, enabling the review of both items concurrently by the city council on June 4<sup>th</sup>.

***Motion:***

**Greg Wall** motioned to recommend that the City Council approve the rezone from AA and A to AE with findings for approval 1-3, and table approval of the schematic plan until the May 23, 2019 Planning Commission meeting. **Amy Shumway** seconded the motion, which was unanimously approved.

**Zone Text Amendment**

7. **Farmington City (Public Hearing) - Applicant is requesting a recommendation to amend the location standards for accessory buildings as set forth in Chapters 10, 11, and 13 of the Zoning Ordinance. (ZT-1-19).**

**Dave Petersen** defined setbacks and explained their purpose. Front setbacks are important as they separate private space from streets. Back yard setbacks are important as they are generally defined as the semi-private space belonging to the landowner. Side setbacks exist mostly for fire regulations. Current setbacks in Farmington City require Accessory Dwelling Units to be located in the back yard of a lot unless approval is granted by the Planning Commission. He expressed concern with the tight restrictions currently placed on Accessory Dwelling Units as it restricts how landowners can use their valuable land. With ADU's becoming more popular, Dave proposed some lenience to the current



requirements for ADU's; particularly amending the code to allow ADU's in the side yard and in the front yard, assuming they meet a front setback of 25'.

**Roger Child** expressed concern about secondary dwellings current ability to be placed one foot from side and back property lines. Footings extend about 8 inches from the building which becomes 4 inches from the property line at a one-foot setback. Eaves dripping into neighbor's property line are another concern. On the Contrary, **Russ Workman** said that space between sheds and fences become storage spaces for junk, particularly if there is several feet of unusable space up against the fence.

**Dave Petersen** said that the current building height limit for ADU's is 15 feet unless otherwise approved by the Planning Commission. **Greg Wall** expressed favor in decreasing the height to 10 feet because a 15 ft. building can cast shadows and block views, particularly in a side yard. **Dave Petersen** suggested decreasing the limit to 10 feet in side yards.

**Connie Deianni** opened the public hearing at 10:02 p.m.

**Scott Prince** 218 W. 1000 N. Farmington, UT came to the stand and said that his front yard is over 50 feet deep and people with large front yards should have options about how they can use their front yards so they aren't wasted – particularly for garages and carports. Thinks the 25' ADU front setback makes sense for people with large front yards.

**Connie Deianni Closed** the public hearing at 10:05 p.m.

***Motion:***

**Russ Workman** made a motion to table this item until staff further researches Accessory Dwelling Units. **Amy Shumway** second the motion, which was unanimously approved.

**Other**

**8. Miscellaneous, correspondence, etc.**

- a. 23 Items: Moderate Income Housing Discussion
- b. Other

**9. Motion to Adjourn**

At 10:07 **Rulon Homer** made a motion to adjourn the meeting. **Roger Child** seconded the motion and the meeting was adjourned.



Connie Deianni  
*Planning Commission Chair*

